



Paper No. 4

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OFFICE OF PETITIONS

In re Application of
Carpenter
Application No. 10/053,236
Filed: 9 November, 2001
Attorney Docket No.: Roto-Finish Case 56A

DECISION ON PETITION

This is a decision on the petition filed on 16 April, 2002, styled "Petition under 37 C.F.R. §1.17(h)" and considered under 37 C.F.R. §1.53 requesting that pages 4, 10, 20 and 39 of the specification (description and claims) and Figures 3, 5, 6, 7, 8 and 12 described in the specification of the above-identified non provisional application be accorded a filing date of 9 November, 2001.

The petition under 37 C.F.R. §1.53 is **GRANTED**.

The application was originally deposited (via Express Mail Label No EL697493660US) on 9 November, 2001.

The application as filed on 13 May, 2002, consisted, *inter alia*, of Pages 1 - 3, 5 - 9, 11 - 19, 21 - 38, and 40 of specification (description, claims and abstract (on Page 40)) and Figures 1 (Page 1/9), 2 (Page 2/9), 4 (Page 4/9), 9 and 10 (Page 7/9), and 11 (Page 8/9).

The Office mailed on 14 March, 2002, a "Notice to File Missing Parts of Nonprovisional Application (Filing Date Granted)" in which Petitioner was informed that Pages 4, 10, 20 and 39 of the specification (description and claims) and Figures 3 (Page 3/9), 5 and 6 (Page 5/9), 7 and 8 (Page 6/9) and 12 (Page 9/9) as described in the specification appeared to have been omitted from the application. The Notice further indicated that the Applicant must respond within two months of the Notice mail date.

Petitioner filed on 16 April, 2002, a response with the instant petition, a copy of the Office-stamped filing receipt card, copies of documents purporting to be the missing pages of the specification (description and claims) and the missing figures alleged to have been filed on 9 November, 2001, and a check in payment of the \$130.00 petition fee.

The copy of the date stamped (9 November, 2001) receipt card (with the Office bar

code/application number) filed with the instant petition indicates that, *inter alia*, "Pages of: Specification 29, Claims 10 * * * Sheets of Drawings: 9" were filed among the pages of specification (including description and claims) and along with the abstract.

Because the return postcard receipt properly itemizes the contents of the application package in accordance with MPEP §503, the Office concludes that all three drawings, including Figure 2, were filed on 9 November, 2001, and that Pages 4, 10, 20 and 39 of the specification (description and claims) and Figures 3 (Page 3/9), 5 and 6 (Page 5/9), 7 and 8 (Page 6/9) and 12 (Page 9/9) as described in the specification were subsequently misplaced in the Office.

Accordingly, the petition under 37 C.F.R. §1.53 is **granted**.¹

The Notice mailed on 14 March, 2002, hereby is withdrawn as to Pages 4, 10, 20 and 39 of the specification (description and claims) and Figures 3 (Page 3/9), 5 and 6 (Page 5/9), 7 and 8 (Page 6/9) and 12 (Page 9/9) as described in the specification.

This application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 9 November, 2001, using:

- Pages 1 - 3, 5 - 9, 11 - 19, 21 - 38, and 40 of specification (description, claims and abstract (on Page 40)) and Figures 1 (Page 1/9), 2 (Page 2/9), 4 (Page 4/9), 9 and 10 (Page 7/9), and 11 (Page 8/9) filed on 9 November, 2001; and
- Pages 4, 10, 20 and 39 of the specification (description and claims) and Figures 3 (Page 3/9), 5 and 6 (Page 5/9), 7 and 8 (Page 6/9) and 12 (Page 9/9) as described in the specification, supplied on 16 April, 2002, with an indication on the PALM bib data sheet that 40 pages of the specification (description, claims and abstract) and Figures 1 - 12 were present on filing.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-9199.



John J. Gillon, Jr.
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¹ Pursuant to Petitioner's authorization, the petition fee (\$130.00) is being refunded via Treasury check.